

EXHIBIT 1

The Copyrighted Work





EXHIBIT 2

Plaintiff's Copyright Registration



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Detailed Record View

Registration record VAU001467360

Copyright Catalog

Displaying 1 of 1 entries

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Editorial Shots.[Group registration of unpublished photographs.10 photographs]

[Actions](#)

Registration Number / Date VAU001467360 / 2022-05-10

Type of Work Visual Material

Title Editorial Shots.[Group registration of unpublished photographs.10 photographs]

Application Title Editorial Shots

Date of Creation 2021

Copyright Claimant Reginald Sherod Duncan. Address: 3726 E Main St., College Park, GA, 30337, United States.

Authorship on Application Reginald Duncan; Citizenship: United States. Authorship: photographs.

Rights and Permissions Reginald Sherod Duncan, Cranium, LLC, 3726 E Main St., College Park, GA, 30349, United States, (470) 775-5162,
cranium.creation@gmail.com

Description 10 photographs :,Electronic file (eService)

Copyright Note C.O. correspondence.
Regarding title information: Deposit contains complete list of titles that correspond to the individual photographs included in this group.
Regarding group registration: A group of unpublished photographs may be registered on one application with one filing fee only under limited circumstances. ALL of the following are required: 1. All photographs (a) are unpublished AND (b) were created by the same author AND (c) are owned by the same copyright claimant AND 2. The group contains 750 photographs or less AND 3. A sequentially numbered list of photographs containing the title and file name for each photograph included in the group must be uploaded along with other required application materials. The list must be submitted in an approved document format such as .XLS or .PDF. The file name for the numbered list must contain the title of the group and the Case Number assigned to the application.

Names Duncan, Reginald

Duncan, Reginald Sherod

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U.S. Copyright Office

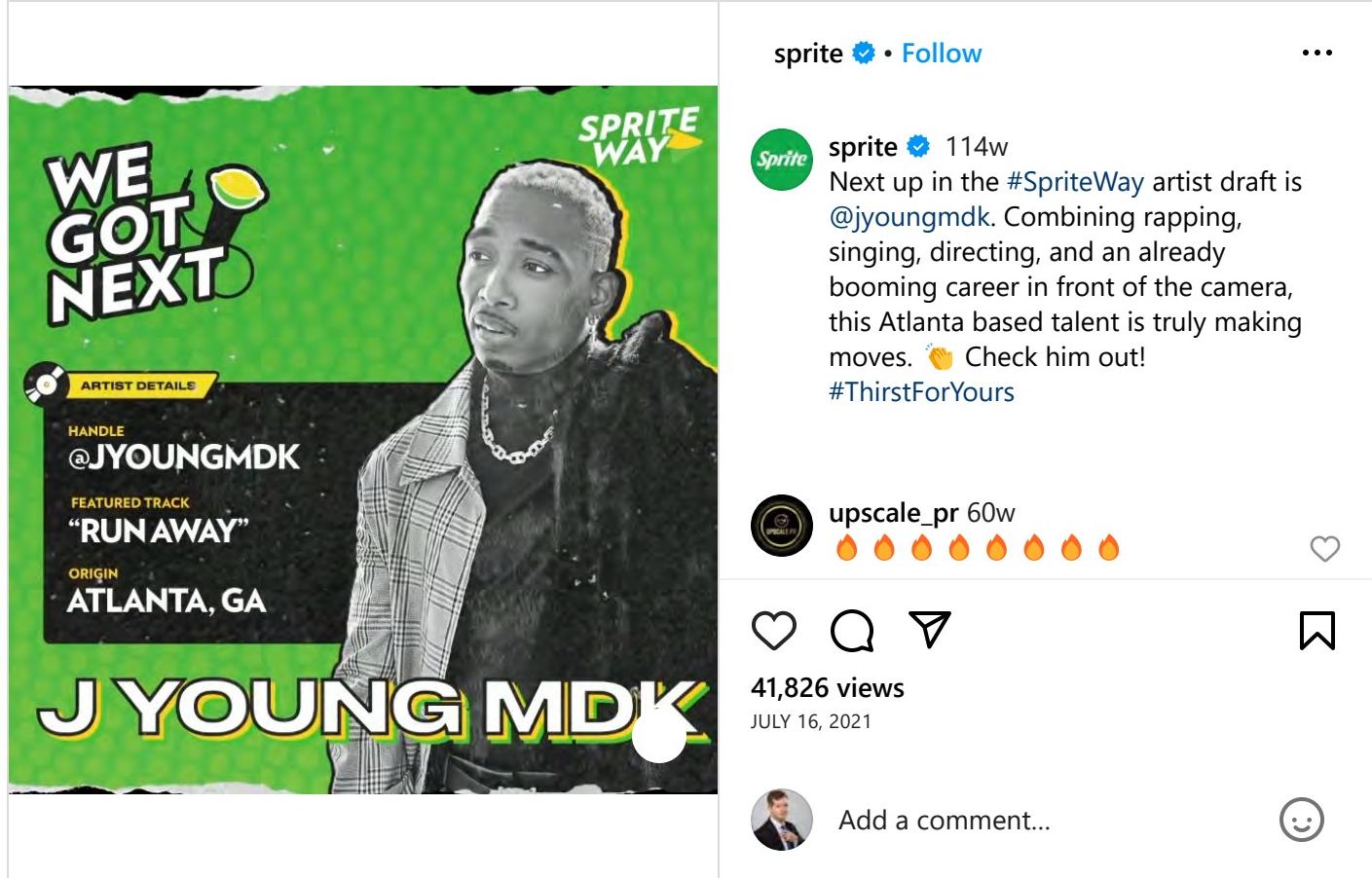
101 Independence Ave S.E.
Washington, D.C. 20559-6000
(202) 707-3000 or
1 (877) 476-0788 (toll free)

DISCLAIMER The Copyright Public Records System (CPRS) pilot is under development and is not the final version of the CPRS. This pilot does not replace or supersede the online public catalog or existing search practices the Copyright Office has established. Results obtained through the CPRS pilot should not be used for legal purposes. For information on searching copyright records, see How to Investigate the Copyright Status of a Work (Circular 22). For information on removing personal information from Copyright Office public records, refer to Privacy: Public Copyright Registration Records (Circular 18).

U.S. Copyright office | Library Of Congress | Congress.gov |
USA.gov | FOIA | Legal | Privacy Policy

EXHIBIT 3

Infringement by Defendant



More posts from sprite

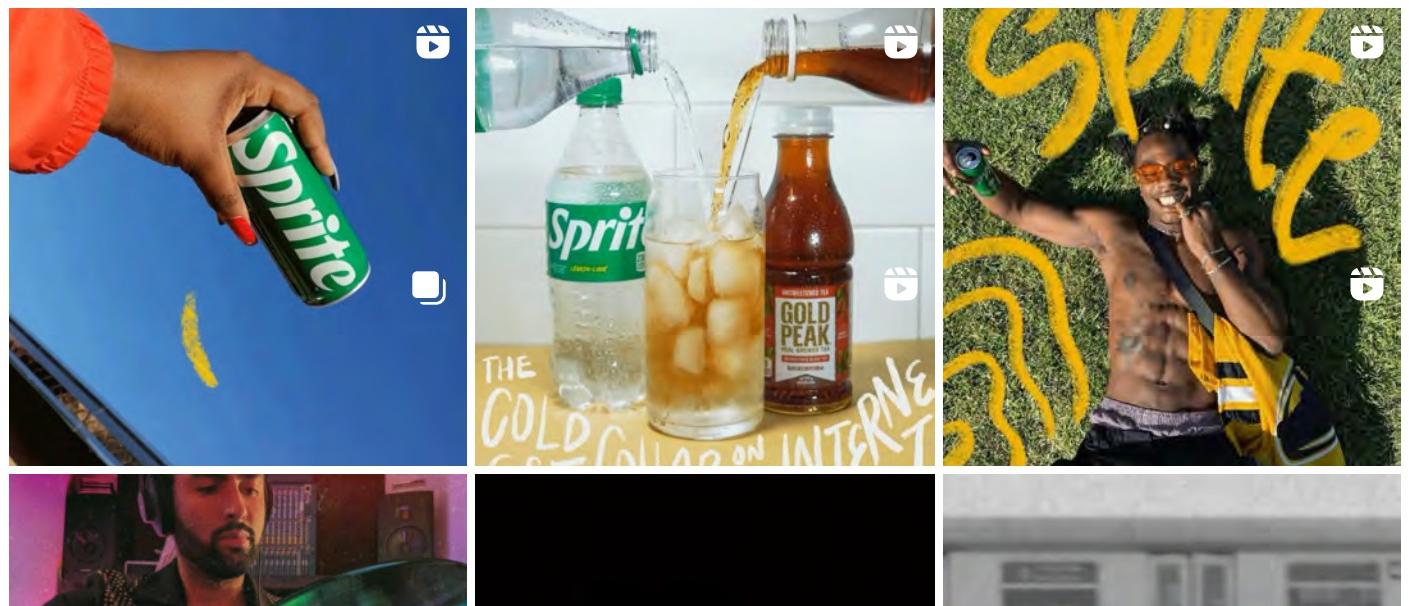






EXHIBIT 4

Email from Plaintiff to Defendant

Cranium LLC <cranium.creation@gmail.com>

From: **Cranium LLC <cranium.creation@gmail.com>**
Date: Sun, Nov 28, 2021 at 2:55 AM
Subject: Photo Copyright
To: Jacquie Wansley <jwansley@coca-cola.com>

Hello,

My name is Reginald Duncan, and my photography company is Cranium, LLC. It has come to my attention that your company is using my images for a Sprite campaign without prior authorization. I own the copyright to these images (dsc_8599 & dsc_8615) and per copyright law, all use must be authorized by the copyright owner. The written use authorization that I provide, called a Use License, requires payment of a Use Fee and that is how I earn my living. If you would like to continue using the images in the future, I will gladly and without penalty provide a quote commensurate with future use needed.

Attached are screenshots of my images being used under your company's name without prior authorization. Copies have been printed and given to my lawyer, in case we are unable to work out a settlement and legal action is required.

Company: Cranium, LLC

Instagram: [cranium.art](https://www.instagram.com/cranium.art)

Website: [cranium.photo](https://www.cranium.photo)

Twitter: [@cranium_art](https://twitter.com/cranium_art)





This is the post of my photos uploaded to my social media account: <https://www.instagram.com/p/CNct1rcApot/>

The headshot of the artist J Young MDK is seen in the "Walls" duplicated across each wall in the video as part of the set design.

The video clips that use my photos were posted on Sprite's Instagram and Twitter page on dates:

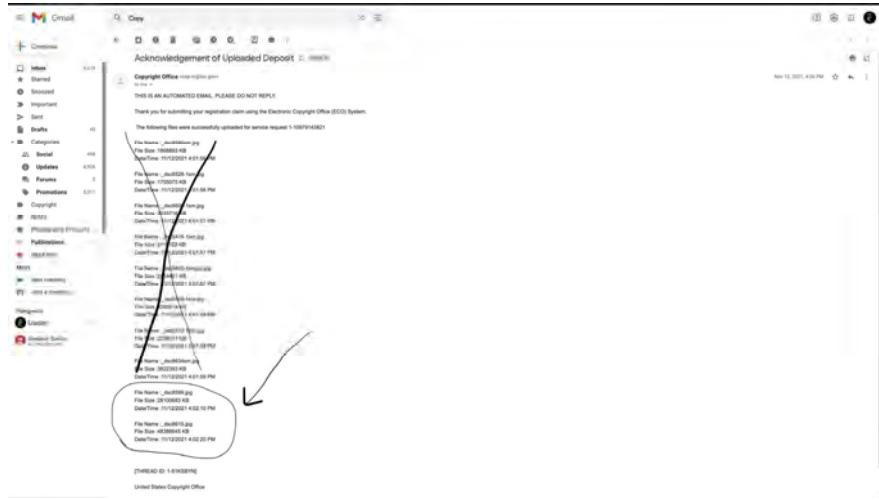
July 15th & Aug 5th and November 10th 2021. The Wall's video was uploaded on the YouTube platform Oct. 26, 2021.

These are the same photos posted on J Young MDK's instagram page and tagging me as the photographer to be credited for the work.

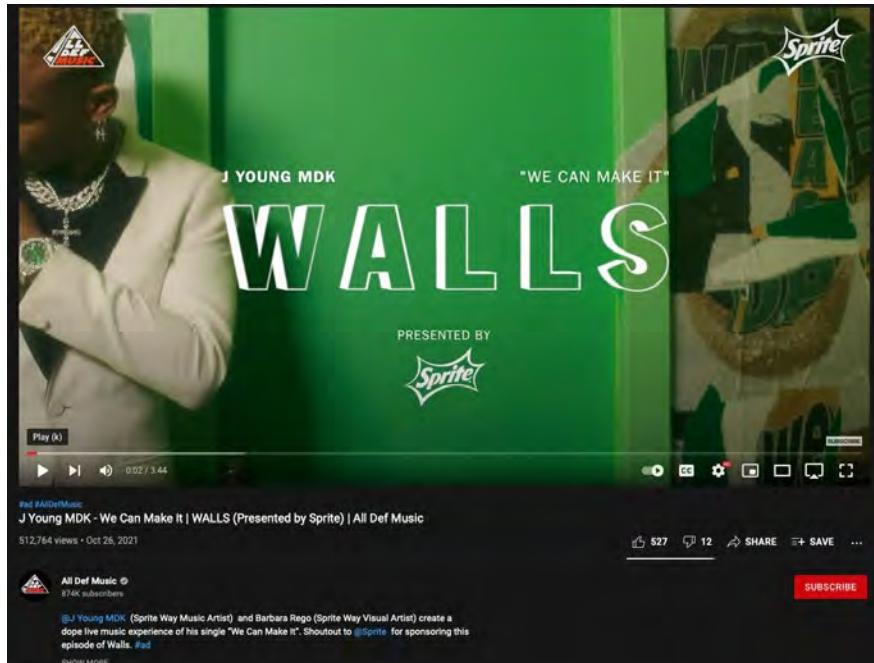


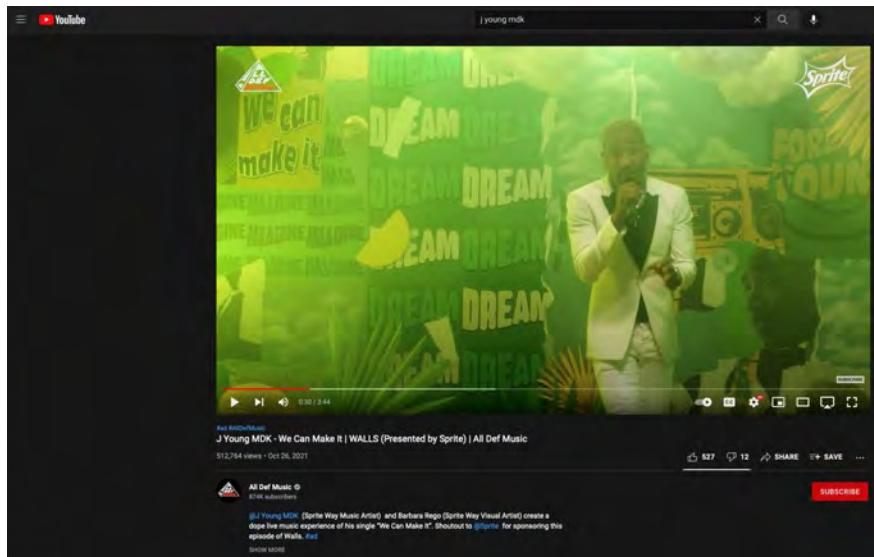


This is a screenshot of an email from the U.S. Copyright Office acknowledging that the photos in question were uploaded and registered with the Library of Congress



The following are the remaining screenshots of where my photos were used.









sprite • Follow

sprite Our #Alphabetti artist draft is the only way to stay on top of what's hot next! Our picks this year, @chloegod, @diamontray, @lyricam, @mdk, and @lyricanderson are all on top of my list. Check them out in our "We Got Next" playlist, coming soon!

ericaspears78 Chosen o hoseek #hopeless

proficquentes I have some really dope indie artist to tell you on the roster they are ⚡⚡⚡⚡⚡ and they make me proud how do i get them in the mix @sprite ⚡⚡⚡⚡⚡

lammontee How can i submit?

23markys Put the graphic design green 🌟

crescencrazy How do i become apart of the next line up...???

tonystray ⚡⚡⚡

lammonymagic This is dope I'm a check them out.

fric onestepmep We would like to collaborate with @sprite we have the biggest indie movement in the world! Let us know what we think! 🎉

sackline I work w/ y'all soon believe it @sackline 🖤

gothousebrye Indihoney: @brye

gothousebrye She's Loaded! @bryeloveings

3,135 views · 1 comment · 1 like · 1 reply

Join & comment...

Instagram

Instagram

JAYDEN RODRIGUEZ DESIGNER FOR LATICO LYRICANDERSON ACT A FOOL LOS ANGELES CA LYRIC ANDERSON

WE GOT NEXT SPRITE WAY J YOUNG MDK RUN AWAY ATLANTA, GA

WE GOT NEXT SPRITE WAY RYAN TROY ROLLIN ST. LOUIS MO RYAN TREY

WE GOT NEXT SPRITE WAY CHLOEGOD IDONTMIND ATLANTA, GA CHLOTHEGOD

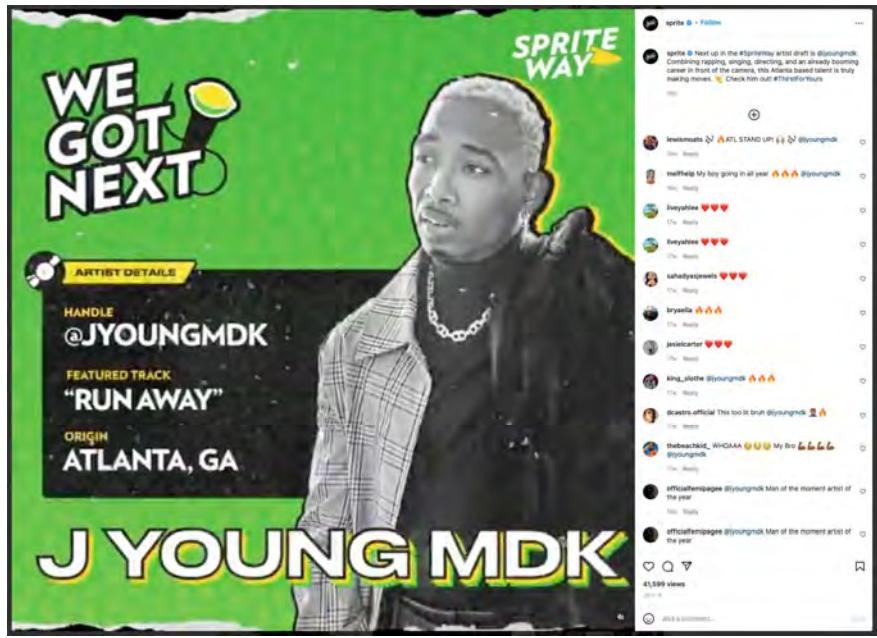
WE GOT NEXT SPRITE WAY AUSAR HOMIES CHICAGO, IL AUSAR

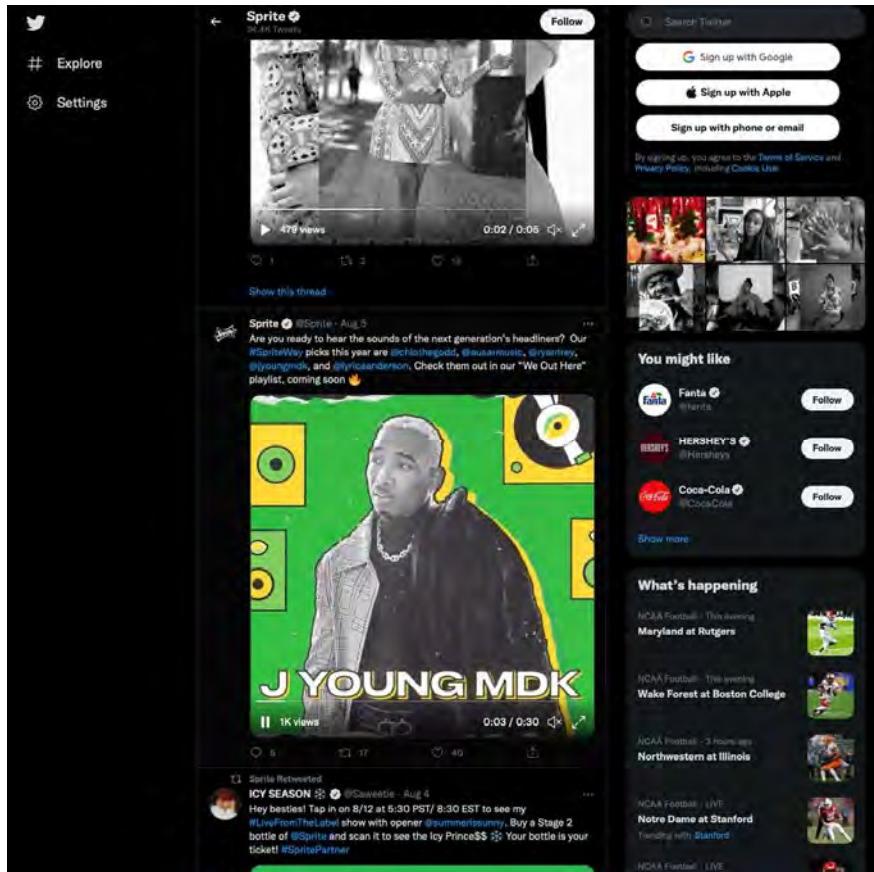
A SUMMER OF HIP HOP CONCERT SERIES LIVE FROM THE LABEL SPRITE WAY

YOUR BOTTLE IS YOUR TICKET LIVE FROM THE LABEL SPRITE WAY

WHO GOT NEXT SPRITE WAY

SPRITE WAY





The image shows a Twitter interface with several tweets and a promotional graphic.

Sprite (@Sprite) 24.4M followers

A drink fit for a king! The Giannis Palmer.

Bleacher Report @BleacherReport Jul 21
Giannis ordered a 50 PC nugget after scoring 50 in the Finals.

Sprite (@Sprite) Jul 16
Next up in the #SpriteWay artist draft is @jyoungmdk. Combining rapping, singing, directing, and an already booming career in front of the camera, this Atlanta based talent is truly making moves. Check him out!

#ThirstForYours

J YOUNG MDK
WE GOT NEXT WAY

ARTIST DETAILS:
NAME: @JYOUNGMDK
FEATURED TRACK: "RUN AWAY"
CITY: ATLANTA, GA

441 views 0:04 / 0:14

You might like

- Fanta @Fanta
- HERSHEY'S @Hersheys
- Coca-Cola @CocaCola

What's happening

- NCAA Football - This evening Maryland at Rutgers
- NCAA Football - This evening Wake Forest at Boston College
- NCAA Football - 3 hours ago Northwestern at Illinois
- NCAA Football - 1 day Notre Dame at Stanford
- NCAA Football - 1 day Kentucky at Louisville

Show more

Sprite (@Sprite) Jul 16
Live From The Label isn't just bringing you the hottest names in hip hop this summer - we also have the hottest on the rise! Check out our #SpriteWay artists @HIMHegola, @dudemainosity, and @ryanjmurray opening for @LilUziVee and @KanyeWest @LiveFromTheLabel

Reginald Duncan
404.487.8716
Photographer

Cranium, LLC

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C

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Reginald Duncan
404.487.8716
Photographer
Cranium, LLC

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C

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Reginald Duncan
404.487.8716
Photographer
Cranium, LLC

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C

EXHIBIT 5

Text Message from the Subject to Duncan

(310) 710-9814

Yo this J Young MDK... so sprite and walls reached out to me yesterday letting me know they they have to take down my performance video because you flagged it for copyright infringement... I put a lot of work into building my brand and also positioning myself to work with this company and it makes me look terrible that they had to come at me about this.. you could have came to me if you had a problem, but instead you decided to go to them and fuck my name and business up.. funny think is I didn't get paid and neither did the girl who decided to dedicate a week with her team to create the collage... if I would of known that this would happen I would have used another photo or no photo at all... this was supposed to be a big step for me and now it's getting all fucked up... I worked way too hard for this... it's plenty of ways to have a good name in this industry.. I can't believe you would decide to fuck mines up. It's cool they gone take it down and I won't use it again, but when the photo was paid for and we collaborated I didn't imagine all this... all good though... one step back but I'll be moving forward 10

(310) 710-9814 - 9:09 PM



Type a message

EXHIBIT 6

Cease and Desist Letter



Conway Eader, L.L.P | 135 Auburn Avenue N.E., Suite 206, Atlanta, Georgia 30303 |
Granison "Ted" Eader | D (470) 745-2640 | E ted@conwayeader.com

July 21, 2023

Via USPS and Electronic Mail

Legal Department, The Coca-Cola Company
1 Coca-Cola Plaza SE
Atlanta, GA 30313
A.weeks@us.coca-cola.com

RE: Unauthorized Use of Photographs and Violation of Copyright Notice

Dear Mr. Weeks,

Please be advised that this law firm represents Cranium LLC ("Cranium"), which is the sole licensee of the photographic works of Reginald Duncan. In 2021, Mr. Duncan took several photographs of the up-and-coming Atlanta based musical artist J Young MDK. These photos are registered at the Copyright Office under Reg. No. VAu001467360 (herein the "Work"). The Work has never been licensed to Coca-Cola by our client, nor has any license ever been granted that could plausibly be suggested to have been assigned to Coca-Cola. Even so, the Work was and still is utilized by Coca-Cola in both an official Sprite Instagram post and in the background of a Sprite advertisement video shoot. Cranium is entitled to compensation for that use.

Cranium further has reason to believe that Coca-Cola's infringement of its intellectual property was willful. Cranium has been attempting to contact Coca-Cola regarding the use of the Work since November 2021. A copy of an email sent to Coca-Cola by my client is attached to this letter as Exhibit A. Additionally, the subject of the photograph then reached out to Mr. Duncan and informed him that Sprite was aware of the infringement. Furthermore, the artist indicated that Sprite also intended to remove the video featuring the Work from social media, after blaming Mr. Duncan for the need to do so. The text sent to our client by J Young MDK referencing Sprite is attached as Exhibit B. As evidenced by the text message, and despite Sprite not following through



Conway Eader, L.L.P | 135 Auburn Avenue N.E., Suite 206, Atlanta, Georgia 30303 |
Granison "Ted" Eader | D (470) 745-2640 | E ted@conwayeader.com

on its apparent promise to remove the infringing content, Coca-Cola's infringement damaged our client's relationship with the subject of the photograph resulted in the loss of additional business opportunities while the infringement continues to occur.

Despite knowing it was infringing upon my client's intellectual property for at least a year and a half, the Work is still actively being used in advertising for Coca-Cola's Sprite product line. It has been displayed and used in derivative works since the summer of 2021 as part of the "Sprite Way" advertising campaign, as demonstrated below.

July 16, 2021 Post to Instagram

(URL: <https://www.instagram.com/p/CRZN8Mehw2g/?hl=en>)

The Work used in "We Got Next" Sprite advertisement





Conway Eader, L.L.P | 135 Auburn Avenue N.E., Suite 206, Atlanta, Georgia 30303 |
Granison "Ted" Eader | D (470) 745-2640 | E ted@conwayeader.com

Furthermore, the Work is displayed as part of a collage in the background of the subsequent video shoot that Sprite commissioned for its Walls advertising campaign:

[November 10, 2021 Post to Instagram](#)

(URL: <https://www.instagram.com/p/CWGfVq6LAic/?hl=en>)

The Work used in background of music video shoot



It appears that Coca-Cola may have utilized the Work in other social media advertising, such as paid ads. Given the fact that the company has brazenly used the image in the manner demonstrated above, Cranium has every reason to feel the need to explore whether or not the company used the image elsewhere. This is especially difficult for Cranium. Had Coca-Cola asked to use the images or discussed licensing them at the time, our client would have been open to doing so pursuant to a license agreement. Our client also attempted to offer a license after the fact, but was shunned and ignored as a result of the manner in which the apparent infringement was addressed internally. As a result my client has been damaged, and Coca-Cola is liable.



Conway Eader, L.L.P | 135 Auburn Avenue N.E., Suite 206, Atlanta, Georgia 30303 |
Granison "Ted" Eader | D (470) 745-2640 | E ted@conwayeader.com

Cranium is not by nature litigious. With very limited exceptions, and in the vast majority of cases, it has settled other acts of infringement for fair value licenses without the need for a lawsuit. While the unauthorized use of the Work and the facts of this case clearly give rise to liability for Coca-Cola and will likely be sufficient to establish a cause of action for willful copyright infringement in violation of 17 U.S.C. §§ 106(1) and 501, my client generally views litigation as a last resort. However, if litigation is unfortunately necessary, Cranium will not hesitate to pursue all available damages, including statutory damages as provided by 17 U.S.C. § 504(c). Specifically, we note that willful infringement establishes a measure of statutory damages of up to \$150,000 per instance under 17 U.S.C. § 504(c)(2) and that attorney's fees are awarded to the prevailing party in Copyright actions. In order to avoid unnecessary litigation, we invite Coca-Cola to offer a reasonable license arrangement for the Work within 30 days of this correspondence. Should Coca-Cola refuse to negotiate a fair amicable resolution, my client will be left with no choice but to initiate legal action. This letter is not intended as a waiver of any claim or cause of action. Cranium explicitly reserves all claims and defenses that it may have in pertinence to the Work and Coca-Cola's unauthorized commercial use thereof. We appreciate your company's prompt attention to this matter and would ask that you confirm receipt of this Notice.

Regards,

Granison "Ted" Eader



EXHIBIT A

Cranium LLC <cranium.creation@gmail.com>

From: Cranium LLC <cranium.creation@gmail.com>
Date: Sun, Nov 28, 2021 at 2:55 AM
Subject: Photo Copyright
To: Jacquie Wansley <jwansley@coca-cola.com>

Hello,

My name is Reginald Duncan, and my photography company is Cranium, LLC. It has come to my attention that your company is using my images for a Sprite campaign without prior authorization. I own the copyright to these images (dsc_8599 & dsc_8615) and per copyright law, all use must be authorized by the copyright owner. The written use authorization that I provide, called a Use License, requires payment of a Use Fee and that is how I earn my living. If you would like to continue using the images in the future, I will gladly and without penalty provide a quote commensurate with future use needed.

Attached are screenshots of my images being used under your company's name without prior authorization. Copies have been printed and given to my lawyer, in case we are unable to work out a settlement and legal action is required.

Company: Cranium, LLC

Instagram: [cranium.art](https://www.instagram.com/cranium.art)

Website: [cranium.photo](https://www.cranium.photo)

Twitter: [@cranium_art](https://twitter.com/cranium_art)





This is the post of my photos uploaded to my social media account: <https://www.instagram.com/p/CNCt1rcApot/>

The headshot of the artist J Young MDK is seen in the "Walls" duplicated across each wall in the video as part of the set design.

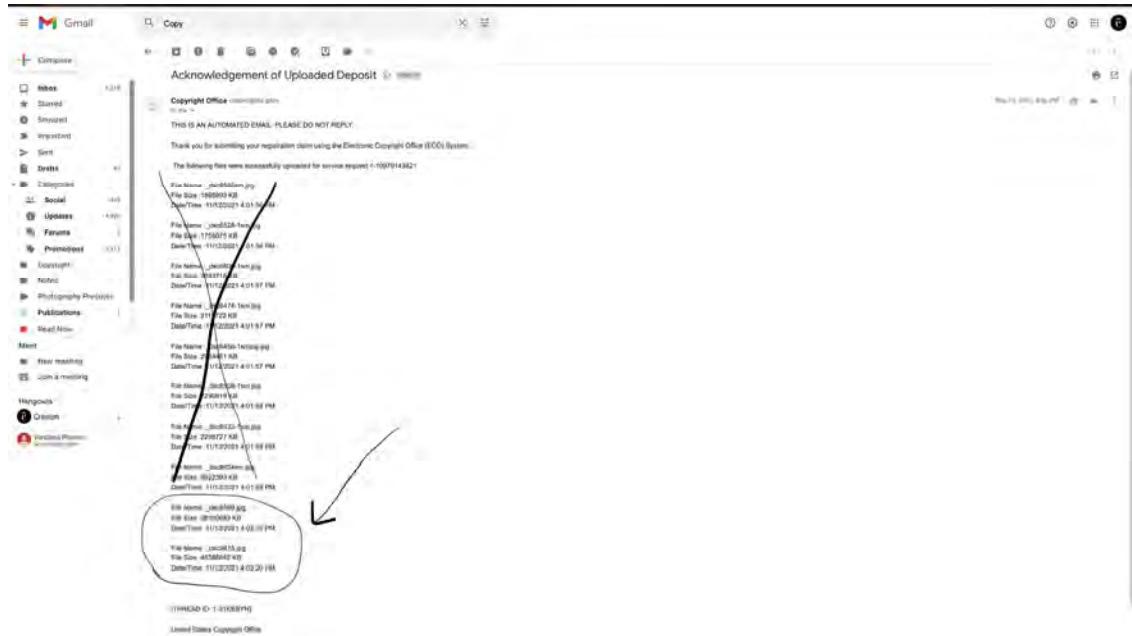
The video clips that use my photos were posted on Sprite's Instagram and Twitter page on dates: July 15th & Aug 5th and November 10th 2021. The Wall's video was uploaded on the YouTube platform Oct. 26, 2021.

These are the same photos posted on J Young MDK's instagram page and tagging me as the photographer to be credited for the work.

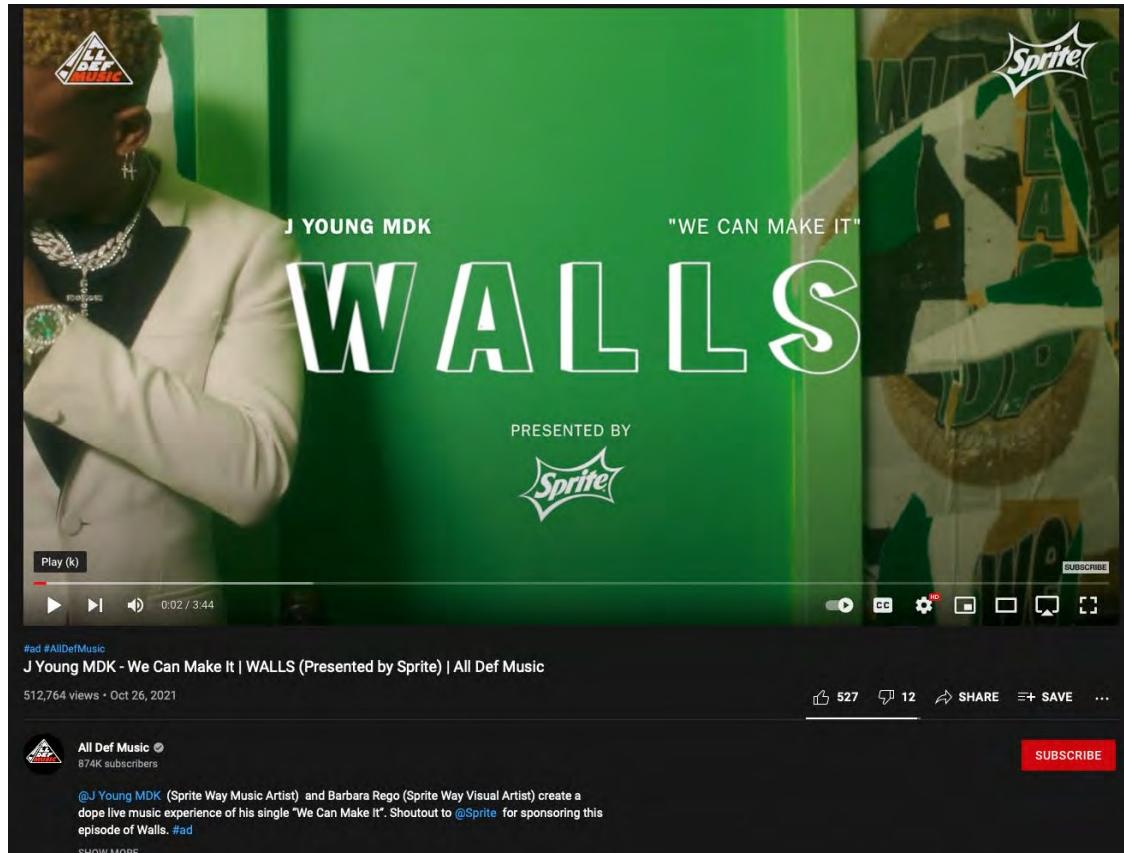


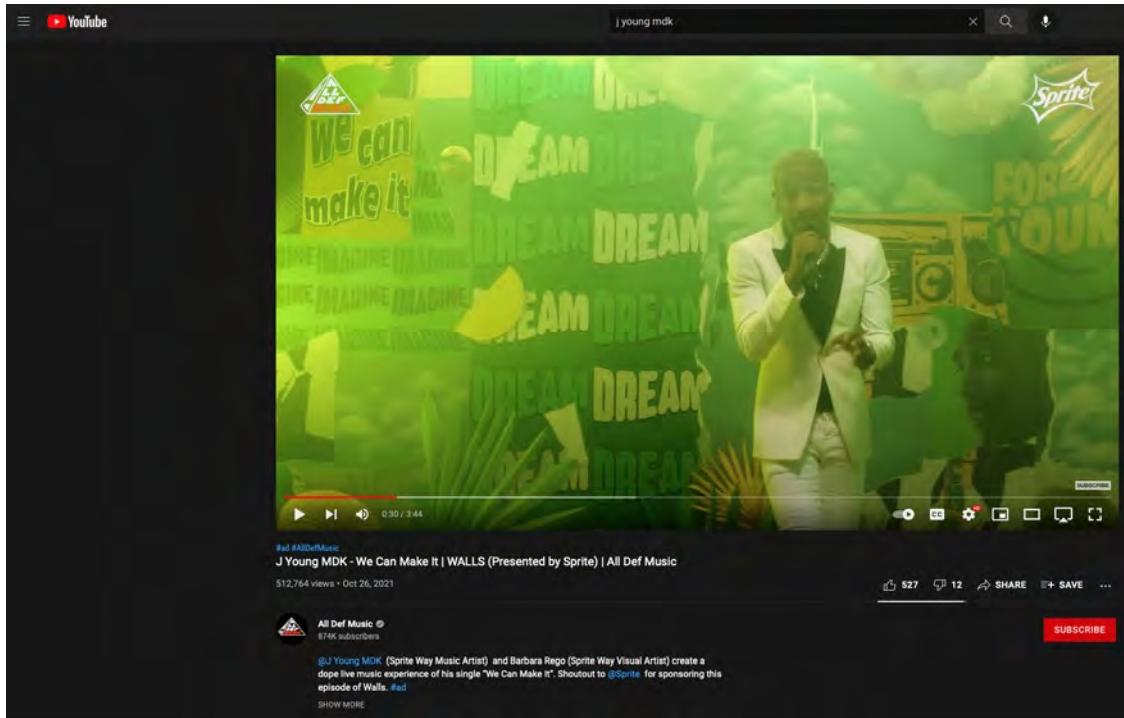


This is a screenshot of an email from the U.S. Copyright Office acknowledging that the photos in question were uploaded and registered with the Library of Congress



The following are the remaining screenshots of where my photos were used.





J YOUNG MDK
"WE CAN MAKE IT"
PRESENTED BY
Sprite

JLL DEF | SPRITE WAY

J YOUNG MDK AND BARBARA REGO INSPIRE US TO DREAM BIG IN THE LATEST "WALLS"

sprite • Follow

sprite @jyoungmdk gives us an inspirational "WALLS" live performance of "We Can Make It," and we've partnered with @alldelf to bring it straight to you!

The young star teamed up with talented artist @mindofbarbara to remind us that we should never give up on our dreams even if we're going through tough times with this heartwarming visual performance.

Click the link in bio to get into your feelings #ThirstForYours

2w

jyoungmdk Thank You for the platform and opportunity 🙏🙏 @mindofbarbara amazing job 😊

2w 9 likes Reply View replies [2]

down4some1 #iljustcant #justdoit✓

fd Reply

flap_jaques huge energy 🔥🔥

2w Reply View replies [1]

xvsocial Great 🔥

2w Reply View replies [1]

down4some1 #google_it

fd Reply

stolengfsclub 🌿🌿🌿

2w 2 likes Reply

zak_lawson_ I love sprite with all my heart

2w 1 like Reply

jullor668 Want a sprite cranberry

2w 6 likes Reply

hunter_dietrich28 Don't care, We Want LeSpriteCranberry

2w 10 likes Reply

stefania_totolo Amazing 🎉🎉🎉 sounds great

Liked by jyoungmdk and 1,415 others

NOVEMBER 19

Add a comment...



sprite • Follow

sprite • Our #SpriteWay artist draft is the only way to stay on top of what's got next! Our picks this year, @chotegod, @ausarmusic, @lyricanderson, @jyoungmdk, and @lyricanderson are all on top of their game. Check them out in our "We Got Here" playlist, coming soon! 🎶

1hr

+ ericalopez78 Chameem o hoseok #hopebits 14d · Reply

profilequestees I have some really dope indie artist to put on the roster they are 🔥🔥🔥 and they make me proud how do i get them in the mix @sprite 🔥🔥🔥 12d · Reply

iammoetic How can I submit? 13d · Reply

23markeys Put the graphic design green 🔥 12d · Reply

crewsocrazy How do I become apart of the next line up?? 11d · Reply

lonestarjay 🔥🔥🔥 10d · Reply

iammoneymagic This is dope I'm a check them out. 9d · Reply

oneovelethic We would like to collaborate with @sprite we have the biggest indie movement in the World 🌎 I at least think so! 8d · Reply

sackinc I'm work wit y'all soon believe it @sackboyii 7d · Reply

goathousebrye #spriteway 6d · Reply

goathousebrye She's Loaded!! @andrellesings 5d · Reply

3,135 views 4 hours ago

Add a comment...

Instagram

Search

JAZMIN RODRIGUEZ DESIGNING FOR LATTO

LYRICA ANDERSON

A SUMMER OF HIP HOP CONCERT SERIES

WE GOT NEXT

41.5k 142

J YOUNG MDK

WE GOT NEXT

ROLLIN'

RYANTREY

YOUR BOTTLE IS YOUR TICKET

LIVE FROM THE LABEL

WE GOT NEXT

HOMIES

AUSAR

WHO GOT NEXT??

Sprite Way

11

The left side of the image features a green promotional graphic for J Young MDK. It includes the text "WE GOT NEXT" at the top, "SPRITE WAY" in the top right, and "ARTIST DETAILS" below it. The details listed are: HANDLE @JYOUNGMDK, FEATURED TRACK "RUNAWAY", and ORIGIN ATLANTA, GA. Below this information is a large, stylized title "J YOUNG MDK". The right side of the image shows a screenshot of a social media post from the account @jyoungmdk. The post is from "sprite" and reads: "Next up in the #SpriteWay artist draft is @jyoungmdk. Combining rapping, singing, directing, and an already booming career in front of the camera, this Atlanta based talent is truly making moves. Check him out! #ThirstForYours". The post has received 12 likes and 17 replies. Some of the replies include: "ATL STAND UP!", "My boy going in all year", "(ATL STAND UP!) My boy going in all year", "This too lit bruh", "My Bro", "Man of the moment artist of the year", and "Man of the moment artist of the year". The post has 41,599 views.

Sprite 24.4K Tweets

Follow

Search Twitter

G Sign up with Google

Apple Sign up with Apple

Sign up with phone or email

By signing up, you agree to the [Terms of Service](#) and [Privacy Policy](#), including [Cookie Use](#).

479 views 0:02 / 0:05

Show this thread

Sprite @Sprite • Aug 5

Are you ready to hear the sounds of the next generation's headliners? Our #SpriteWay picks this year are @chloegodd, @ausarmusic, @ryantrey, @jyoungmdk, and @lyricaanderson. Check them out in our "We Out Here" playlist, coming soon! 🎉

J YOUNG MDK

Fanta

HERSHEY'S

Coca-Cola

Show more

What's happening

NCAA Football - This evening
Maryland at Rutgers

NCAA Football - This evening
Wake Forest at Boston College

NCAA Football - 3 hours ago
Northwestern at Illinois

NCAA Football - LIVE
Notre Dame at Stanford

Trending with Stanford

NCAA Football - LIVE

Sprite 24.4K Tweets

A drink fit for a king! The Giannis Palmer.

B-R Bleacher Report @BleacherReport · Jul 21
Giannis ordered a 50 PC nugget after scoring 50 in the Finals 💀

1M views 0:01 / 0:37

Sprite @Sprite · Jul 16
Next up in the #SpriteWay artist draft is @jyoungmdk. Combining rapping, singing, directing, and an already booming career in front of the camera, this Atlanta based talent is truly making moves. 🍃 Check him out!
#ThirstForYours

WE GOT NEXT

ARTIST DETAIL

HANDLE @JYOUNGMDK
FEATURED TRACK "RUN AWAY"
ORIGIN ATLANTA, GA

J YOUNG MDK

441 views 0:04 / 0:14

Sprite @Sprite · Jul 15
Live Label isn't just bringing you the hottest names in hip hop this summer - we also have the hottest on the rise! Check out our #SpriteWay artists @chlothegodd, @Summerissunny, and @ryantray opening for @Lotto, @Saweetie, and @ackharlow #LiveFromTheLabel

Search Twitter

Privacy Policy, including Cookie Use.

Fanta Follow

HERSHEY'S Follow

Coca-Cola Follow

You might like

What's happening

NCAA Football - This evening
Maryland at Rutgers

NCAA Football - This evening
Wake Forest at Boston College

NCAA Football - 3 hours ago
Northwestern at Illinois

NCAA Football - LIVE
Notre Dame at Stanford

NCAA Football - LIVE
Kentucky at Louisville

Show more

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Reginald Duncan
404.487.8716
Photographer

Cranium, LLC

•••
C

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Reginald Duncan
404.487.8716
Photographer
Cranium, LLC

•••
C

--

Reginald Duncan
404.487.8716
Photographer
Cranium, LLC

•••
C



EXHIBIT B

(310) 710-9814

Yo this J Young MDK... so sprite and walls reached out to me yesterday letting me know they they have to take down my performance video because you flagged it for copyright infringement... I put a lot of work into building my brand and also positioning myself to work with this company and it makes me look terrible that they had to come at me about this.. you could have came to me if you had a problem, but instead you decided to go to them and fuck my name and business up.. funny think is I didn't get paid and neither did the girl who decided to dedicate a week with her team to create the college... if I would of known that this would happen I would have used another photo or no photo at all... this was supposed to be a big step for me and now it's getting all fucked up... I worked way too hard for this... it's plenty of ways to have a good name in this industry.. I can't believe you would decide to fuck mines up. It's cool they gone take it down and I won't use it again, but when the photo was paid for and we collaborated I didn't imagine all this... all good though... one step back but I'll be moving forward 10

(310) 710-9814 - 9:09 PM



Type a message